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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,321	05/24/2001	Volkmar Heuer	Q64387	1370
7590	02/16/2005		EXAMINER	
SUGHRUE MION ZINN MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			PHAN, TRI H	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,321	HEUER, VOLKMAR	
	Examiner	Art Unit	
	Tri H. Phan	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-10 is/are rejected.
- 7) Claim(s) 2 and 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 5/24/2001.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the communication(s) filed on May 24th, 2001.

Claims 1-10 are now pending in the application.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Martin et al. (EP 0874488 A2).

- In regard to claim 9, **Martin** discloses in Figs. 1-6 and in the respective portions of the specification about the *multiplexer for a synchronous digital transport network* ('transparent multiplexer/demultiplexer of the SONET transport node'; For example see Fig. 6; Abstract), *which comprises the tributary input* ('trib input ports') *for receiving the first frame-structured*

synchronous multiplex signal ('OC-48') being composed of first frames each having a payload section and an overhead section (Fig. 1), in the payload sections of which multiplex units are inserted in accordance with the multiplex hierarchy (For example see Fig. 6; page 7, lines 19-27), the multiplex device ('STS-1 manager'; see Fig. 6) connected to the tributary input, for creating new multiplex units ('STS-N'), for concatenating the newly formed multiplex units to form a concatenation ('STS-Nc'; For example see page 3, lines 44-54), and for packing the received frame, including the unchanged overhead sections thereof, as payload in the concatenation of the newly formed multiplex units (For example see Fig. 6; page 9, line 37 through page 11, line 3; wherein the SC TOHP processor creates the SC TOH for the supercarrier STS-192 from the signals received from the Trib TOH, e.g. leaves the overhead section of the STS-N unchanged), and the output ('SC output port') for creating and transmitting a second, frame-structured synchronous multiplex signal composed of second frames in whose payload sections the concatenated, newly formed multiplex units are inserted ('supercarrier STS-192'; For example see Fig. 6; page 10, lines 29-32).

- Regarding claim 10, **Martin** further discloses about *the switching matrix ('Tmux'; For example see Fig. 6; page 7, lines 19-27) for selectively switching of multiplex units, wherein the multiplex device ('STS-1 manager') is connected to a matrix input ('Trib input port') and the output is connected a matrix output ('SC output port').*

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by **Russell et al.** (EP 0993135 A2).

- In regard to claim 1, **Russell** discloses in Figs. 1-11 and in the respective portions of the specification about the *system and method for transmitting frame-structured synchronous multiplex signal composed of frames having payload section and overhead section, in the payload section of which multiplex units are multiplexed according the multiplex hierarchy via the synchronous digital transport network* (For example see Figs. 1-3; page 5, section [0029] through page 6, section [0035]; wherein the STM-N frame carries a plurality of virtual containers ‘VCs’ with path overhead and payload components) *comprising the step of transmitting frame to be transmitted as payload in a concatenation of newly formed multiplex units, including its unchanged overhead section*, (For example see Figs 6, 8; page 7, section [0044] through page 8, section [0051;]; wherein the SDH payload mapper maps datacoms frames into virtual containers of the SDH payloads directly and without any further encapsulation, e.g. “unchanged overhead section” or unchanged the section overhead ‘RSOH’ of the STM-N frame).

- Regarding claim 3, **Russell** further discloses about the STM-N (where $N = 1, 4, 16$, or 64) in the SDH network, where the multiplex units are virtual containers of the type VC-N (where $= 11, 12, 2, 3$, or 4) as disclosed in page 6, sections [0030]- [0031]; and wherein the newly formed multiplex units are virtual containers of the type VC-N where $N = 3$ or 4 (For example see Fig. 9; wherein the virtual containers with type $N = 3$).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Russell et al.** (EP 0993135 A2).

- In regard to claims 5-8, **Russell** discloses all the subject matter of the claimed invention as discussed in part 4 above in this Office action, including the system and method for transmitting the datacoms data by direct incorporation into a plurality of SDH or SONET virtual containers, which are virtually concatenated by association of the payloads of the plurality of virtual containers. **Russell** does disclose about the STM-N (where N = 1, 4, 16, or 64) which carries a plurality of virtual containers defined in ITU-T recommendation G.70X, including VC-1, VC-2, VC-3, VC-4, VC-12 (For example see page 6, sections [0030]-[0031]); but fails to explicitly disclose the data frame is transported via specific number of virtually concatenated virtual containers of specific type of VC-3 or VC-4. However, it is obvious that, depending on the data frame rates, the data frames are mapped into the nearest available SDH virtual container rates (For example see Table 1; page 7, section [0049] through page 8, section [0051]); therefore,

the specific type and number of virtually concatenated virtual containers are decided on system by system, as matter of choices.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to provide specific type and number of virtually concatenated virtual containers for the system, which bases on the data rate as matter of choices.

Allowable Subject Matter

8. Claims 2 and 4 are objected to as being dependent upon a rejected base claim (claim 1), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stadler et al. (U.S.6,842,787), **Russell et al.** (U.S.6,496,519) and **Abbas et al.** (EP 1253734) are all cited to show devices and methods for improving the transmission data in the optical network of the telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
February 11, 2005



BRIAN NGUYEN
PRIMARY EXAMINER